

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ANGELA WOLGAMOTT, PERSONAL)
REPRESENTATIVE FOR THE ESTATE)
OF KEVIN RAY BROWNING,)
DECEASED,)
Plaintiff,) Case No. 1:21-cv-00933
v.)
CONTINENTAL EXPRESS, INC. and)
ERIC MILLS,)
Defendants.)

NOTICE OF REMOVAL

Defendants Continental Express, Inc. and Eric Mills, by counsel and pursuant to 28 U.S.C. §1332 hereby file their Notice of Removal of the captioned matter to the United States District Court for the Southern District of Indiana, Indianapolis Division, from the Marion Superior Court 5, Indianapolis, Indiana, and, respectfully state as follows:

1. Continental Express, Inc. and Eric Mills are defendants in a personal injury action now pending in the Marion Superior Court 5 under Cause No. 49D05-2103-CT-009797.

2. Plaintiff filed her Complaint in the Marion Superior Court 5 on March 22, 2021.

3. Defendant, Continental Express, Inc., was served with a copy of the Summons and Complaint on or about April 1, 2021 via certified mail.

4. Defendant, Eric Mills, has not yet been served with a copy of the Summons and Complaint.

5. Plaintiff's Complaint is subject to removal on the grounds of diversity jurisdiction pursuant to 28 U.S.C. §1332.

6. Plaintiff Angela Wolgamott is the Executor of the Estate of Kevin Ray Browning. Kevin Ray Browning was a citizen of Indianapolis, Indiana at the time of his death. As such, Plaintiff is a citizen of Indiana pursuant to 28 U.S.C. § 1332(c)(2).

7. Defendant Continental Express, Inc. is an active Ohio corporation with its principal place of business in the State of Ohio.

8. Eric Mills is a citizen of the State of Ohio.

9. The controversy in this cause of action is entirely between citizens of different states.

10. The amount in controversy exclusive of interest and costs is greater than \$75,000, the jurisdictional threshold required by 28 U.S.C. §1332(a).

11. Attached hereto as Exhibit A is a copy of the complete state court record including the current state court docket, Plaintiff's Complaint and Demand for Jury Trial, Appearance for Plaintiff, Summons to Defendant Continental Express, Inc., Summons to Eric B. Mills, Appearance of Attorneys for Defendants, Defendants Motion for Enlargement of Time, and Order on Defendants' Motion for Enlargement of Time. These documents constitute all of the pleadings and process on file with the Marion Superior Court 5, as of the

date of this filing of this Notice of Removal. A separate copy of the Complaint has also been attached as Exhibit B pursuant to Local Rule 81-2(c).

12. Upon receiving a file-marked copy of this Notice of Removal, Defendants will serve the same upon Plaintiff and also file a copy with the Clerk of the Marion Superior Court 5.

Respectfully submitted,

WHITTEN LAW OFFICE

s/Christopher R. Whitten

Christopher R. Whitten/#20429-49
James L. Culp/26326-49
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2021, a copy of the foregoing was filed electronically. Parties may access this filing through the Court's system.

Carolyn C. Ely, Esq.
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s/Christopher R. Whitten

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